

**TOWN OF WELLESLEY**



**REPORTS TO THE  
SPECIAL TOWN MEETING**

**MONDAY, FEBRUARY 1, 2016  
7:00 P.M.**

**at the**

**MIDDLE SCHOOL AUDITORIUM  
WELLESLEY MIDDLE SCHOOL**

**by the**

**ADVISORY COMMITTEE**

**Please read this report and bring it with you to the Special Town Meeting.**

**For more information and updates, please visit  
<http://www.WellesleyMA.gov>**

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**TOWN OF WELLESLEY**



**ADVISORY COMMITTEE LETTER  
SPECIAL TOWN MEETING  
February 1, 2016, at 7:00 p.m.  
Middle School Auditorium  
Wellesley Middle School**

**TERM ENDS 2016**

Mary Crown  
Thomas Frisardi, Chair  
John Hartnett  
Mason Smith, Vice Chair  
Scott Tarbox

**TERM ENDS 2017**

Chad Harris  
Michael Mastrianni  
Frank Pinto, Vice Chair  
Sara Raveret, Secretary  
Kathleen Woodward

**TERM ENDS 2018**

Tom Fitzgibbons  
Mike Hluchyj  
Mark Kaplan  
Alena Poirier  
Ria Stolle

To the Citizens of the Town of Wellesley:

January 22, 2016

A Special Town Meeting will convene on February 1, 2016, at 7:00 PM, in the Wellesley Middle School Auditorium, 40 Kingsbury Street. All residents are invited to attend the meeting in person or to follow the proceedings on Wellesley Media Corporation's Government Channel (Comcast Channel 8, Verizon Channel 40).

The *Reports to the Special Town Meeting* (Report) following this letter present the Advisory Committee's summary of the Articles on the Warrant for Special Town Meeting (STM) and explanation of matters which Town Meeting might wish to consider as to whether to vote favorably on the motions coming before it. The Report will be posted on the Town's website at [www.wellesleyma.gov](http://www.wellesleyma.gov). Copies of the Report will be available at the Town Clerk's Office and at the Wellesley Free Library no later than seven days before the meeting. The Town Clerk's Office will mail a copy of the Report to any resident who requests one.

As the Report goes to press, a number of proposed changes in the motions to be made at the STM are still pending. The Advisory Committee decided that it would be imprudent, and possibly confusing, to vote on measures that are not final and, thus, deferred its vote until after the Board of Selectmen have finalized the motions. Advisory anticipates that the motions will be in final form the week before the STM. Assuming that is the case, then Advisory will update its report on the Town website, including its recommendations to Town Meeting. Advisory will also ask the Town Clerk to send an email notice to Town Meeting Members who receive email. Of course, Advisory will give its recommendation orally following the motions at the STM.

This fall, Town Meeting approved a Special Act to adopt a Town Manager/Selectmen form of government for Wellesley. Town Meeting also adopted revisions of the Town Bylaws to better suit the Bylaws to the new government structure. These changes were to revise Article 19, regarding the Board of Selectmen, and to adopt a completely new Article 20, regarding the Town Manager. The fall STM dissolved, however, before reaching additional measures to complete the changes in the Bylaws to suit the Town Manager/Board of Selectmen form of government. These measures will come before Town Meeting now.

The matters to be taken up this winter are similar to the proposals that the Town Government Study Committee presented in the fall STM Advisory Report under Warrant Article 4, and encompass: (1) adopting a new section of the Bylaws to consolidate existing budget provisions into a single article and to improve the budget process under a Town Manager; (2) transferring appointment authority from boards and committees to the Town Manager; (3) defining the roles of the Town Manager, the Human Relations Board and the Human Relations Director in the administration of personnel; and (4) other miscellaneous changes. However, the proposals that will come up this winter are not identical to the draft motions that were presented in the fall.

The Board of Selectmen has revised the draft Bylaws that the Town Government Study Committee presented in the fall in numerous ways, following input from other Town boards and from Town Meeting Members. The Advisory Committee thanks the Board of Selectmen for their hard work in resolving numerous concerns and in improving the draft Bylaws. The efforts of all who participated, particularly the Human Resources Board, the Board of Library Trustees and a group of Town Meeting Members, are also to be commended. As of this date, the Board of Selectmen has accepted some, though not all, of the changes that these parties requested and is still considering further changes. The Advisory Committee has attempted to explain the significant changes in this Report.

The Advisory Committee thanks the dedicated Town employees, elected and appointed officials, and concerned citizens who assisted the committee in its efforts this winter. I also thank my colleagues on the Advisory Committee who worked hard to bring about this Report. We hope that you will find it helpful in understanding the issues coming up before this Special Town Meeting.

Sincerely,

Tom Frisardi, Chair  
Advisory Committee

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**ARTICLE 1.** To see if the Town will vote to choose a Moderator to preside over said meeting and to receive reports of town officers, boards and committees, including the Report of the Advisory Committee; or take any other action in relation thereto.

**(Board of Selectmen)**

**Advisory expects no motion under this Article.**

**Article 2.A.** To see if the Town will vote to amend the General Bylaws by adding a new Article 6A entitled "Budget Provisions." The proposed Article 6A consolidates general budget provisions from existing bylaws into a single article, amends the bylaws to reflect the Town Manager's role in the budget process as authorized by the Special Act voted under motion 3A of the warrant for the November 2, 2015 Special Town Meeting and establishes a timeline for the budget process. This Warrant Article also amends other sections throughout the General Bylaws to conform to Special Act and the proposed Town Manager and Budget bylaws. A copy of the proposed language for Article 6A and the other proposed amendments to the General Bylaws is on file and available for viewing at the office of the Town Clerk and at the Wellesley Free Library.

**(Board of Selectmen)**

## **ARTICLE 2, MOTION A**

1. Add a new Article 6A, Financial Planning and Budget Provisions, as follows:

### **ARTICLE 6A. FINANCIAL PLANNING AND BUDGET PROVISIONS**

**6A.1. Scope.** The provisions of this article shall apply to all boards, officers and departments unless a specific provision of law otherwise provides.

**6A.2. Responsibilities.** The responsibilities for the Town-wide Financial Plan, Town-wide Five-year Capital Budget Program and Town-wide annual operating budget are as follows:

- a. The Board of Selectmen shall oversee the financial planning and budget processes.
- b. The Town Manager shall be responsible for, and shall annually prepare and submit, a Town-wide Financial Plan, a Town-wide Five-year Capital Budget Program, and a Town-wide annual operating budget with a Budget Message in accordance with Section 6A.6.a to the Board of Selectmen and the Advisory Committee and, except as provided in Section 6A.2.b, shall present these submissions, as they may have been modified from time to time, at the Annual Town Meeting. The Town Manager shall establish the procedure and format for budget requests, pursuant to Section 6A.5.a and in accordance with the timeline set forth in Section 6A.7.
- c. The School Superintendent shall submit an annual operating budget request for the School Department with a Budget Message to the Town Manager in accordance with Section 6A.6.b, and shall present these submissions, as they may have been modified from time to time, at the Annual Town Meeting.
- d. All Town boards and officers and the Town Clerk as a Town official shall actively participate in preparing and maintaining the Town-wide Financial Plan, the Town-wide Five-year Capital Budget Program, and the Town-wide annual operating budget as they relate to their areas of responsibility in accordance with the timeline set forth in Section 6A.7.

### **6A.3. Town-Wide Financial Plan.**

**6A.3.1. Definitions.** For the purposes of this article, a “Town-wide Financial Plan” shall mean a sequenced combination of forecasts of the Town’s operating budget (i) for the current fiscal year, (ii) for the next following fiscal year and (iii) for one or more fiscal years beyond the next following fiscal year. Forecasts shall be in the format commonly called “sources and uses of funds.” The term “sequenced combination” is intended to require that the three component parts of the Town-wide Financial Plan build upon one another in an orderly, reasonable manner. A “deficit balance” in a forecast shall mean that the total uses of funds in the forecast exceed the total sources of funds in the forecast. The Town-wide Financial Plan is intended to be a dynamic and transparent document that is continuously updated and refined from year to year.

**6A.3.2. Report of Town-wide Financial Plan.** The Town Manager shall annually prepare and shall manage the Town-wide Financial Plan as follows:

- a. The Town Manager shall compile for presentation to the Annual Town Meeting a Town-wide Financial Plan for the Town. In this Plan, the forecast for the next following fiscal year shall be consistent with the Town-wide annual operating budget prepared pursuant to Section 6A.5.b and the capital portion of the Plan shall be consistent with the Town-wide Five-year Capital Budget Program prepared pursuant to Section 6A.4.2. In developing the forecast for the fiscal years beyond the next following fiscal year, the Town Manager will seek input from all Town boards and officers.
- b. For any future fiscal year in a Town-wide Financial Plan, the Town Manager shall estimate the property tax rate that would generate real estate property taxes equal to the sum of (i) the real estate property taxes assumed as a source of funds in the forecast for the fiscal year and (ii) any deficit balance in the forecast for that fiscal year. In so doing, the Town Manager may use reasonable assumptions as to growth in the valuation of properties in the Town.
- c. The Town Manager shall prepare, and the Board of Selectmen shall approve, the Town-wide Financial Plan sufficiently in advance of the Annual Town Meeting to permit its publication, together with any comments of the Advisory Committee, in the Reports to the Annual Town Meeting, pursuant to Section 11.8.
- d. The Town Manager shall annually make a presentation of the Town-wide Financial Plan to the Advisory Committee, together with such recommendations or comments as the Town Manager deems appropriate. As part of this presentation, the Town Manager shall explain how specific elements of the Town-wide Financial Plan support the strategies articulated in any Town-wide strategic plan. A copy of such presentation shall be posted on the Town website. The Town Manager may subsequently update or amend the Plan before it is published in the Reports to the Annual Town Meeting or presented at the Annual Town Meeting.
- e. Before any appropriation article is considered at a Town Meeting, the Town Manager shall deliver a report to the Town Meeting on the substance of the Town-wide Financial Plan, including any recommendations or comments as the Town Manager deems appropriate, followed by any comments from the Advisory Committee. Any board, officer or official may then provide a report to Town Meeting on aspects of the Plan that relate



to their areas of responsibility. Following such reports on the Plan, there shall be an opportunity for comments from Town Meeting Members.

#### **6A.4. Capital Projects Budget.**

**6A.4.1. “Capital Project” Defined.** For the purposes of this section, a "Capital Project" shall mean:

- a. A public construction or public works project, estimated to cost in excess of \$100,000, including projects for the construction, reconstruction, replacement, major repair or renovation, extension or other improvement of a public building, highway, sidewalk, storm drain, sewerage installation, incinerator, bridge, playground, park or other public works; or
- b. A purchase of land, equipment, buildings or structures, estimated to cost in excess of \$100,000; or
- c. The preparation of plans, specifications or working drawings (estimated to cost in excess of \$10,000) for any project or purchase described in subsections a or b.

**6A.4.2. Town-wide Five-year Capital Budget Program.** The Town Manager shall annually prepare and submit a Town-wide Five-year Capital Budget Program as follows:

- a. Any board or its designee; an officer, including an officer acting with the authorization of a board, if required; or the Town Clerk (hereinafter referred to as the “submitting party”) seeking to have a Capital Project, including “cash capital” (pay-as-you-go capital items) placed on the Town-wide Five-year Capital Budget Program shall submit a request to the Town Manager endorsed by vote of such submitting party, which shall include the estimated cost and recommended sequencing and timing for each such project. An explanatory statement shall accompany each request, together with a reconciliation of the requests to the amounts shown in the Town-wide Five-year Capital Budget Program adopted in the previous year and such additional information as may be required by the Town Manager. All Capital Project requests shall be submitted in accordance with the procedures established pursuant to Section 6A.7 and those for the first year shall constitute the submitting parties’ request for appropriations to be made at Annual Town Meeting.
- b. On the basis of the information submitted by each board or officer pursuant to the provisions of Section 6A.4.2.a, the Town Manager shall prepare a Town-wide Five-year Capital Budget Program for the Town, identifying proposed and anticipated Capital Projects and their timing, (including, taking into account the relative need for and cost of each project, the probable effect of each expenditure on the financial position of the Town, and available alternative methods of funding; the anticipated use of borrowing or other means of funding for each project; any anticipated so-called Proposition 2½ debt exclusion votes in connection with any such borrowing; the impact of such borrowing on the Town’s outstanding debt service and real estate property tax rates in upcoming years; and an explanation for any proposed changes to Capital Project requests submitted pursuant to Section 6A.7 that have not been subsequently agreed to by the submitting board or officer.

- c. The Town Manager shall prepare, and the Board of Selectmen shall approve, the Town-wide Five-year Capital Budget Program sufficiently in advance of the Annual Town Meeting to permit its publication, together with any comments of the Advisory Committee, in the Reports to the Annual Town Meeting, pursuant to Section 11.8.
- d. The Town Manager shall annually make a presentation of the Town-wide Five-year Capital Budget Program to the Advisory Committee, together with any recommendations or comments as the Town Manager deems appropriate, and including an explanation for any proposed changes to Capital Project requests submitted pursuant to Section 6A.7 that have not been subsequently agreed to by the submitting board or officer. A copy of such presentation shall be posted on the Town's website. The Town Manager may subsequently update or amend the Town-wide Five-year Capital Budget Program before it is published in the Reports to the Annual Town Meeting or presented at the Annual Town Meeting.
- e. The Town Manager shall present the Town-wide Five-year Capital Budget program, as approved by the Board of Selectmen, to the Annual Town Meeting. Following the Town Manager's report on the Town-wide Five-year Capital Budget Program, there shall be an opportunity for comments from the Advisory Committee and from Town Meeting Members. Any board, officer or official may provide a report at Town Meeting on aspects of proposed or anticipated Capital Projects that relate to their areas of responsibility.
- f. Before an appropriation for a Capital Project is considered at a Town Meeting, the Town Manager shall review or explain the Capital Project in the context of the Town-wide Five-year Capital Budget Program. The Town Manager shall recommend to Town Meeting a method of funding for each Capital Project proposed to be submitted for approval at such Town Meeting. The Town Manager's recommendation shall state, for each proposed Capital Project, any proposed use of borrowing for such projects, any anticipated so-called Proposition 2½ debt exclusion votes in connection with any such borrowing, and the impact of such borrowing on the Town's outstanding debt service and real estate property tax rates in upcoming years. Any board, officer or official may provide a report at Town Meeting on aspects of proposed or anticipated Capital Projects that relate to their areas of responsibility.

#### **6A.5. Annual Operating Budget.**

- a. **Budget Requests.** Any submitting party requesting an annual appropriation as part of the Town-wide annual operating budget shall furnish to the Town Manager a budget request endorsed by vote of such submitting party with detailed estimates and appropriate explanations, of the amounts necessary for the proper administration of the offices or department for which amounts are being requested, and an estimate of all income expected to be received in connection with the administration of such departments or offices in accordance with the procedures established pursuant to Section 6A.7.
- b. **Budget Preparation.** The Town Manager shall prepare a Town-wide annual operating budget for the next following fiscal year, taking into account:
  - i. the Unified (Strategic and Comprehensive) Plan of the Town, if any, created pursuant to Sections 19.12 and 20.3.e;

- ii. the Town-wide Financial Plan prepared pursuant to Section 6A.3.2;
- iii. the Town-wide Five-year Capital Budget Program prepared pursuant to Section 6A.4.2;
- iv. the budget requests presented by submitting parties;
- v. the Town's ability to generate the real estate property taxes assumed in the budget and to fund any deficit balance therein;
- vi. projected sources of funds other than real estate taxes including, but not limited to, projected state funding and projected income to be received by the General Fund in connection with the administration of Town departments and offices;
- vii. the Town's need for and the level of various proposed expenditures; and,
- viii. alternatives to any of the various sources and uses of funds in the budget.

The Town-wide annual operating budget shall include the amounts proposed to be appropriated to each Town board, office or department, the amounts proposed to be appropriated for other purposes, and any proposed allocation of such amounts.

**6A.6. Budget Message.** The Town-wide annual operating budget shall be accompanied by the Budget Messages of the Town Manager and School Superintendent:

- a. **Town Manager.** The Town Manager's Budget Message shall:
  - i. outline proposed financial policies of the Town for the ensuing fiscal year;
  - ii. provide an explanation of the proposed budget for all Town boards, offices and departments, both in fiscal terms and in terms of work programs;
  - iii. provide an explanation for any proposed changes to budget requests submitted pursuant to Section 6A.7.a that have not been subsequently agreed to by the submitting party and an explanation of proposed variations from the budget requests submitted pursuant to 6A.5.a;
  - iv. describe important features of the budget and how the proposed budget advances the goals and objectives of any Town-wide strategic plan then in effect;
  - v. indicate any major variations from the budget for the current year in financial policies, expenditures and revenues, together with the reasons for such changes;
  - vi. summarize the town's debt position;
  - vii. summarize the status of the funding of the Town's pension and other post-employment benefits obligations; and
  - viii. include such other material as the Town Manager deems desirable.
- b. **School Superintendent.** The School Superintendent's Budget Message shall describe important features of the School budget both in fiscal terms and in terms of programs; indicate any major variations from the School budget for the current year and the reasons for such changes; provide current and projected enrollment data for the next three years; and include such other material as the School Superintendent deems desirable.

**6A.7. Timeline, Guidelines and Format.** The Town Manager shall establish a timeline, format and procedures for the submission of Capital Project requests pursuant to Section 6A.4.2.a and budget requests pursuant to Section 6A.5.a for the upcoming fiscal year in a timely fashion in order to allow for development of such requests and timely review thereof by all interested parties. Subject to approval by the Board of Selectmen and prior to October 15 whenever practicable, the Town Manager shall also develop substantive guidelines for individual

department requests. The Town Manager shall convene one or more meetings with all board chairs, officers and officials at an early stage of the budgeting process to consider the parameters of the Town-wide annual operating budget and the Town-wide Five-year Capital Budget Program for the upcoming fiscal year, including anticipated state or other revenues, expected adjustments to the Town's levy limit, and the relative demands for services anticipated by each Town board and department. The timeline shall include the following:

- a. **Non-school annual operating and Capital Projects Budget Requests.** Not less than 90 days before the start of the Annual Town Meeting, all non-school annual operating and Capital Projects budget requests shall be submitted to the Town Manager, with copies to the Advisory Committee; and the School Superintendent shall submit the Superintendent's annual operating budget request, along with supporting material, and the preliminary school Capital Projects budget requests to the School Committee, with copies to the Town Manager and Advisory Committee. Representatives of elected boards and associated departments may additionally make an oral presentation of their budget request to the Town Manager. To the extent that such budget requests exceed the guidelines set by the Town Manager, the submitting party shall provide an analysis of the reasons for the difference.
- b. Not less than 70 days before the start of the Annual Town Meeting, the School Committee, after public hearing and vote, shall submit an annual operating budget request for the School Department with a Budget Message, together with any Capital Projects budget requests, to the Town Manager, with copies to the Advisory Committee. To the extent that such budget requests exceed the guidelines set by the Town Manager, the School Committee shall provide an analysis of the reasons for the difference.
- c. If any submitting party's budget request is inconsistent with the guidelines established pursuant to Section 6A.7, or if the Town Manager otherwise determines it is necessary or appropriate, the Town Manager may propose changes to any budget request and give submitting parties an opportunity to submit modifications thereto. The Town Manager shall, upon request, meet with the affected submitting party to discuss the reasons for such revisions.
- d. All budget requests made pursuant to Section 6A.7.a or 6A.7.b shall be subject to review by the Finance Department in the manner described in Section 20.5.c.
- e. Not less than 60 days before the start of the Annual Town Meeting, the Town Manager shall submit the Town Manager's preliminary proposed Town-wide annual operating budget and Town-wide Five-year Capital Budget Program, including the Town Manager's and School Superintendent's Budget Messages, to the Board of Selectmen, the Advisory Committee and all other Town boards, officers and officials, for review and comment, and copies of such submissions shall be posted on the Town's website. All such comments shall be provided to the Town Manager and the Advisory Committee. If, in the Town Manager's preliminary proposed Town-wide annual operating budget or Town-wide Five-year Capital Budget Program, the Town Manager proposes any changes from any budget request that the submitting party has not agreed to, the Town Manager shall furnish to that submitting party a written explanation of such revisions, with copies to the Board of Selectmen and the Advisory Committee.

- f. Not less than 45 days before the start of the Annual Town Meeting, the Town Manager shall submit the Town Manager's proposed Town-wide annual operating and Town-wide Five-year Capital Budget Program, including any proposed revisions thereto, and including the Town Manager's and School Superintendent's Budget Messages to the Advisory Committee, with copies to all other Town boards, officers and officials. Copies of such submissions shall be posted on the Town's website. The Town Manager shall also make an oral presentation of the Town Manager's proposed Town-wide annual operating budget and Town-wide Five-year Capital Budget Program to the Board of Selectmen and the Advisory Committee. If, in the Town Manager's proposed Town-wide annual operating or Town-wide Five-year Capital Budget Program, the Town Manager proposes any budget revisions that the submitting party has not agreed to, the Town Manager shall furnish to that submitting party a written explanation of such revisions, with copies to the Board of Selectmen and the Advisory Committee
  - g. If at any time during the preparation of the annual operating and Capital Projects budgets the Town Manager concludes that the proposed budgets will require material revisions to the requests received from any board or officer that are unacceptable to that board or officer, the Town Manager will call a meeting with the chairs of the Advisory Committee, Board of Selectmen and any other affected board or officer, to discuss the budget status and alternative budget approaches.
  - h. Any board, officer or official may appear before the Advisory Committee at a duly convened meeting thereof for which such appearance has been placed on the agenda, and to speak in support of any budget request made pursuant to Section 6A.4.2.a or Section 6A.5.
  - i. Whenever practicable, the Advisory Committee shall vote on the Town-wide annual operating budget pursuant to the procedures set forth in Sections 11.7 and 11.8, not less than fourteen days prior to Town Meeting.
  - j. The vote of Town Meeting approving the Town-wide annual operating Budget and Five-Year Capital Budget Program shall appropriate the funds to the elected or appointed board for each department, and in the event there is no such board, to the officer in charge of the department.
2. Amend the General Bylaws by deleting Sections 6.15 and 6.16 and inserting in place thereof the following sections:

**6.15. Requests for Appropriations.** Each submitting party shall submit requests for annual operating appropriations in accordance with the provisions of Article 6A.

**6.16. Capital Projects budgets.** Each submitting party shall submit requests for Capital Projects budget appropriations in accordance with the provisions of Article 6A.

3. Amend the General Bylaws by deleting the first sentence in Sections 11.8, deleting Sections 11.10, 11.11, 11.12, 11.13 and 11.14 (**Advisory Committee**) and inserting the following new first sentence into Section 11.8, and inserting new Sections 11.12 and 11.13 as follows:

**11.8. Report.** Whenever practicable, a copy of the report of the Committee shall be mailed or delivered to each Town Meeting Member and Town Department at least ten days before the commencement of any Town Meeting.

**11.12. Notice of Request for Capital Projects.** The information required to be submitted to the Permanent Building Committee in accordance with Section 14.6. shall be submitted at the same time to the Town Manager and to the Advisory Committee.

**11.13. Notice of Request for Other Appropriations.** For any appropriation other than those involving collective bargaining or covered by Sections 6A.4 and 6A.5, the requesting board, official or officer shall file written notice thereof, including the amount to be requested and its purpose, with the Town Manager, with a copy to the Advisory Committee and the Board of Selectmen at least 14 days before the session of the Town Meeting at which such appropriation will be acted upon. The Town Manager shall review such request and shall consult with the Board of Selectmen. If the Town Manager deems the request to be appropriate, the Town Manager may modify the proposed Town-wide Annual Operating or Capital Projects budget accordingly. The Town Manager shall present the Town Manager's recommendation on the request to the Advisory Committee and the requesting party may also present relevant information to the Advisory Committee. In the event of emergency requiring immediate consideration, the 14-day notice provision may be waived by the Town Meeting but only upon the advice of the Advisory Committee that it has duly considered the request.

4. Amend the General Bylaws by deleting Section 12.6 (**Sustainable Energy Committee**) and inserting in place thereof the following:

**12.6. Budget.** The Committee shall prepare and submit an annual budget request in accordance with the procedures established under Article 6A, which will be subject to approval by the Town Manager.

5. Amend the General Bylaws by deleting Section 14.6 (**Permanent Building Committee**) and inserting in place thereof the following:

**14.6. Financial Requirements and Notification.** Any board which intends to propose a project to Town Meeting shall provide information regarding the project goals and the financial requirements of the project to the Committee at least 90 days in advance of the Town Meeting at which funding of any kind for the project will be requested, and to the Town Manager and Advisory Committee in accordance with Section 11.12. The Committee shall review the information provided to determine whether the sums requested are reasonable with respect to the financial requirements of the project and shall report to Town Meeting thereon.

6. Amend the General Bylaws by deleting Section 16.4 (**Celebrations Committee**) and inserting in place thereof the following:

**16.4. Budget.** The Committee shall prepare and submit an annual budget request in accordance with the procedures established under Article 6A, which will be subject to approval by the Town Manager.

7. Amend the General Bylaws by deleting Section 17.4 (**Historical Commission**) and inserting in place thereof the following:

**17.4. Budget.** The Commission shall prepare and submit an annual budget request in accordance with the procedures established under Article 6A, which will be subject to approval by the Town Manager.

8. Amend the General Bylaws by deleting Section 24.4 (**Facilities Maintenance Department**) and inserting in place thereof the following:

**24.4. Budget.** The Facilities Maintenance Director shall prepare and submit an annual budget request in accordance with the procedures established under Article 6A, which will be subject to approval by the Town Manager.

9. Amend the General Bylaws by deleting Section 29.7 (**Board of Public Works**) and inserting in place thereof the following:

**29.7. Budget.** The Board shall prepare and submit an annual budget request in accordance with the procedures established under Article 6A, including separate requests for the several divisions under its control, which will be subject to approval by the Town Manager.

10. Amend the General Bylaws by deleting Section 33.5 (**Council on Aging**) and inserting in place thereof the following:

**33.5. Budget.** The Council shall prepare and submit an annual budget request in accordance with the procedures established under Article 6A, which will be subject to approval by the Town Manager.

11. Amend the General Bylaws by deleting Section 39.6 (**Department of Veterans' Services**) and inserting in place thereof the following:

**39.6. Budget.** The Department shall prepare and submit an annual budget request in accordance with the procedures established under Article 6A, which will be subject to approval by the Town Manager.

12. Amend the General Bylaws by deleting Section 14.6 and inserting in place thereof the following:

**40.5. (Youth Commission) Budget.** The Commission shall prepare and submit an annual budget request in accordance with the procedures established under Article 6A, which will be subject to approval by the Town Manager.

## **ADVISORY REPORT**

The motion anticipated under Warrant Article 2.A is the first of four measures to bring the Bylaws in line with the Town Manager/Selectmen form of government, which Town Meeting approved in the fall. The proposal under Warrant Article 2.A would also consolidate the provisions regarding the budget process, which are presently scattered throughout the Bylaws, into a new Article 6A of the Bylaws.

The motion under Warrant Article 2.A is similar to the proposal that the Town Government Study Committee was prepared to make under Warrant Article 4.A in the fall. The major change has been to reorder sections 6A.3 through 6A.6 so as to better reflect the normal order of budget

reporting, starting with the Town-Wide Financial Plan under 6A.3, continuing with the Capital Budget and the Five-Year Capital Budget Program under 6A.4, and ending with the Annual Operating Budget and Budget Report under 6A.5 and 6A.6. This reordering, at the initiative of the Board of Selectmen, reverses the original ordering, which began where the actual budget process ends, in other words, with the Annual Budget. The change places the budget sections in logical order, starting with long-term budget considerations and ending with the budget for the next fiscal year.

### **Overview of the proposal**

The topics covered under proposed Article 6A of the Town Bylaws remain much as proposed at the fall STM.

6A.1. Scope. This article simply states that the provisions of Article 6A apply to all boards unless noted.

6A.2. Responsibilities. This section assigns certain responsibilities to the Town Manager, School Superintendent and the Boards/Officers. This is the section that assigns the Town Manager and the School Superintendent with developing and presenting their respective operating budgets and budget messages. It also assigns the Town Manager the responsibility of the Five-year Capital Plan and the Town-Wide Financial Plan. The Town Manager shall establish the procedure and format for budget requests. In addition, boards and officers shall participate in these processes as they relate to their areas of jurisdiction.

6A.3. Town-Wide Financial Plan (previously 6A.6). This section defines the Town-Wide Financial Plan as a forecast of the Town's operating budget for at least three or more years, including the current year. It also lays out the format for the plan, and how the plan shall be presented to Advisory Committee and Town Meeting.

6A.4. Capital Projects (previously 6A.5). This section outlines the process for developing and presenting the Town-Wide Five-Year Capital Projects Plan. It describes how, and for what projects, boards should make proposals to the Town Manager, as well as how the Town Manager shall present the plan to the Advisory Committee and Town Meeting. The Town Manager is required to provide explanations to boards that do not have their project approved.

6A.5. Annual Operating Budget (previously 6A.3). This section relates to how boards and officers should present their voted budget to the Town Manager and how the Town Manager should prepare the annual operating budget.

6A.6. Budget Message (previously 6A.4). This section outlines what the Budget Message shall consist of for both the Town Manager and the School Superintendent. It requires the messages to focus on explanations for major variances or changes. The Town Manager must provide an explanation for any proposed changes to the budget requests submitted that have not been subsequently approved by the submitting board. The budget message should also describe how these variances and changes affect the respective strategic plans.

6A.7. Timelines, Guidelines, and Format. This section grants the Town Manager authority to establish the format and procedures for budget requests. It also states the Town Manager can establish guidelines, subject to approval by the Board of Selectmen. It then lays out the timeline described in the Special Act for the budget process. If the Town Manager proposes any revisions to a board's budget that have not been voted on by the board, then the Town Manager



must provide written explanation to the board with copies to the Board of Selectmen and Advisory Committee.

### **Changes since the fall Special Town Meeting**

The changes in the text of the proposed Article 6A of the Town Bylaws, compared with the proposal that was put forward in the fall STM, are mostly in three categories regarding the budget process: (1) to emphasize the role of the Board of Selectmen as the Town's executive board, (2) to strengthen the role of other Town boards and committees as participants, and (3) to clarify content and schedule. Additionally, a new clause in Section 6A.7.j makes clear that funds appropriated by Town Meeting are appropriated to the board, committee or department specified in the approved budget, and may not be treated as undesignated funds.

Highlights of the changes from the language of the proposal presented this fall are briefly described in the following table. These are the changes that appear to Advisory to be most significant. The Board of Selectmen will send Town Meeting Members a comparison version showing all of the changes.

<b>Affected section</b>	<b>Nature of change</b>
6A.2.a	Board of Selectmen oversight was added to make clear that that board is in charge of all financial planning processes.
6A.3.1	Calls for the Town-wide Financial Plan to be dynamic and transparent, in other words, an evergreen plan.
6A.3.2.a	Requires the Town Manager to seek input from all Town boards.
6A.3.2.c	The Town-wide Financial Plan is made subject to formal approval of the Board of Selectmen.
6A.3.2.d:	The Town-Wide Financial Plan must be posted on the Town website. The Town-Wide Financial Plan must be linked to the Strategic Plan.
6A.3.2.e	There must be an opportunity at Town Meeting for comments on the Town-Wide Financial Plan before any appropriation article is taken up.
6A.4.2.a	Additional details concerning the preparation and use of the Five-Year Capital Plan.
6A.4.2.c	The Five-Year Capital Plan is made subject to formal approval by the Board of Selectmen.
6A.4.2 d	Requires the presentation of the Five-Year Capital Plan to be posted on the Town website.
6A.5.b	Additional detail concerning preparation and presentation of the Annual Operating Budget.
6A.6.a	Requires that the status of the funding of the Town's pension and other post-employment benefits obligations be included in the report concerning the Annual Operating Budget.

- 6A.7 Clarifying the schedule for updating the Five-Year Capital Plan and for setting the year-to-year budget guideline. Detailing the process for departure from budget guidelines and for resolving disagreements about department budgets.
- 6A.7.a The School Superintendent is required to provide an analysis of reasons for exceeding budget guidelines, if guidelines are exceeded
- 6A.7.c Requiring consultation between the Town Manager and affected boards, in the event that there are inconsistencies in submitted budgets.
- 6A.7.e and 6A.7.f Requiring that information about the preliminary and final proposed Five-Year Capital Plan and the annual budget be posted on the Town's website
- 6A.7.g Requiring the Town Manager to convene a budget summit conference of chairs of Board of Selectmen and Advisory and of affected boards to resolve impasses in meeting budget guidelines
- 6A.7.h Preserving the existing right of boards and committees to present their Five-Year Capital Plan and annual budgets to Advisory.
- 6A.7.i: Requiring Advisory to vote on the annual budget at least fourteen days prior to Annual Town Meeting. This is still not enough lead time to assure that the vote will take place before the Advisory Report goes out in the mail, because the lead time for publishing the Advisory Report is currently 18 days. Advisory believes that the best work around will be to update the electronic copy of its report on the Town website at least 14 days prior to Annual Town Meeting.
- 6A.7.j As described previously, this new provision makes clear that the Town Manager may not unilaterally move funds that Town Meeting has appropriated to a board, committee or department for use by another board, committee or department. This provision simply bolsters what is already the rule under state law, G.L. c. 44, s. 33B(b). Under state law, transfers of funds from a department to which Town Meeting originally appropriated the funds are only permissible upon a new vote by Town Meeting. Alternatively, transfers of limited amounts (the greater of 3% of the budget of the department from which the funds would be transferred, or \$5,000) may be authorized by a vote of Board of Selectmen with the concurrence of the Advisory Committee.

## ADVISORY CONSIDERATIONS

The proposed amendments of the Town Bylaws in Article 2.A accurately reflect the Town Manager's role in the budget process as conceived under the Special Act that Town Meeting approved this fall and establish a useful procedure for the budget process. The Advisory Committee reviewed the proposed amendments with Town Counsel in the fall. The Advisory Committee also met with the Selectmen this winter to review the board's changes in the proposal. Advisory agrees that these amendments are needed now that Town Meeting has approved the Special Act and also agrees that the changes by the Board of Selectmen have improved the proposal as well as resolved some of the concerns raised by other boards and by

Town Meeting Members.

At the time that this Report is going to press, there are still additional amendments under consideration by the Board of Selectmen. Some members of Advisory are strongly supportive of these changes, as they believe that the changes will help to ensure that the budget process is transparent, participatory, and balanced. The changes would require: (1) the Town Manager to present the budget guidelines to Advisory prior to approval by the Board of Selectmen, thus giving Advisory an opportunity to weigh in during this critical phase of the annual budget process, (2) the Town to post the guidelines on the Town website following Board of Selectmen approval, (3) the Board of Selectmen to hold public hearings on the Town-Wide Financial Plan and the 5-Year Capital Plan prior to approval, and (4) the Board of Selectmen to vote to approve the annual budget before it is presented to Town Meeting.

All Advisory members agree that the proposed budget process outlined in the motion under STM Warrant Article 2.A, creating a new Town Bylaw Article 6A, would be a positive change. However, Advisory decided not to vote on its recommendation to Town Meeting until after the Board of Selectmen finalizes the motion that it intends to offer under Warrant Article 2.A.

**Advisory will give its recommendation at the Special Town Meeting.**

**ARTICLE 2.B.** To see if the Town will vote to amend certain appointment provisions throughout the General Bylaws to provide for appointments by the Town Manager, as authorized by the Special Act, voted under motion 3A of the warrant for the November 2, 2015 Special Town Meeting. A copy of the proposed amendments to the General Bylaws is on file and available for viewing at the office of the Town Clerk and at the Wellesley Free Library.

**(Board of Selectmen)**

## **ARTICLE 2, MOTION B**

Provided that the Town Clerk shall assign appropriate alphanumeric references to any provisions of the General Bylaws necessitated by this amendment and, in each case, the assignment of such references shall be identified by a footnote or other convention, that the Town vote to amend the General Bylaws related to appointments to conform with the Special Act authorized pursuant to Warrant Article 3(A) by:

1. Amending the General Bylaws by deleting Section 11.5 and inserting in place thereof the following:

**11.5. (Advisory Committee) Staff.** In accordance with the provisions of Section 20.3.b., the Town Manager or the Town Manager's designee shall appoint such staff for whom funding has been provided.

2. Amending the General Bylaws by deleting Section 12.4 and inserting in place thereof the following:

**12.4. (Sustainable Energy Committee) Staff.** In accordance with the provisions of Section 20.3.b, the Town Manager or the Town Manager's designee shall appoint a sustainable energy coordinator and the coordinator may appoint, such other staff for whom funding has been provided.

3. Amending the General Bylaws by deleting Sections 21.2 and 21.3 and inserting in place thereof the following sections:

**21.2. (Police Department) Responsibilities of the Town Manager.** The Town Manager shall in accordance with the provisions of Section 20.3.b., appoint a Chief of Police. The Town Manager may appoint or promote such additional police officers and Police Department employees other than Special Police for whom funding has been provided; provided, however, that the Town Manager shall not appoint or promote any police officer or Police Department employee unless such officers or employee has been recommended for appointment or promotion by the Chief of Police.

**21.3. Responsibilities of Chief of Police.** The Chief of Police shall provide to the Town appropriate police and related services as determined by the Board of Selectmen and Town Manager, make recommendations to the Town Manager for the appointment or promotion of police officers and Police Department employees other than Special Police, supervise all police officers and Police Department employees, and be responsible for all Town property used by the Department.

4. Amending the General Bylaws by deleting Sections 22.2 and 22.3 and inserting in place thereof the following sections:

**22.2. (Fire Department) Responsibilities of the Town Manager.** The Town Manager shall, in accordance with the provisions of Section 20.3.b, appoint the Fire Chief or Chief Fire Engineer and, based on the recommendation of said Fire Chief or Chief Fire Engineer, appoint or promote such other Fire Engineers, firefighters and other Fire Department employees for whom funding has been provided; provided, however, that the Town Manager shall not appoint or promote any Fire Engineer, firefighter or other Fire Department employee unless such Fire Engineer, firefighter or other Fire Department employee has been recommended for appointment or promotion by the Fire Chief or Chief Fire Engineer.

**22.3. Responsibilities of Fire Chief or Chief Fire Engineer.** The Fire Chief or Chief Fire Engineer shall provide to the Town appropriate fire-fighting and other services as determined by the Board of Selectmen and the Town Manager, make recommendations to the Town Manager for the appointment or promotion of Fire Engineers, firefighters and other Fire Department employees, supervise all Fire Engineers, firefighters, and other Fire Department employees, and be responsible for all property and apparatus used by the Department.

5. Amending the General Bylaws by deleting Section 23.1 and inserting in place thereof the following:

**23.1. (Inspectors) Appointment.** In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint the:

- a. Inspector of Wires;
- b. Inspector of Gas;
- c. Inspector of Buildings;
- d. Sealer of Weights and Measures; and
- e. Inspector of Plumbing (who may, but need not, be the Inspector of Gas).

6. Amending the General Bylaws by deleting Section 24.3 and inserting in place thereof the following:

**24.3. (Facilities Maintenance Department) Director of Facilities Maintenance.** In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint the Director of Facilities Maintenance, and the Director may appoint such other staff for whom funding has been provided.

7. Amending the General Bylaws by deleting Sections 29.4 and 29.6 and inserting in place thereof the following sections:

**29.4. (Department of Public Works) Director of Public Works.** In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Director of Public Works, and the Director may appoint such other staff for whom funding has been provided.

**29.6. Town Engineer.** In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint the Town Engineer.

8. Amending the General Bylaws by deleting Section 33.4 and inserting in place thereof the following:

**33.4. (Council on Aging) Director of Senior Services.** In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Director of Senior Services, and the Director may appoint such other staff for whom funding has been provided.

9. Amending the General Bylaws by deleting Section 34.4 and inserting in place thereof the following:

**34.4. (Board of Health) Director.** In accordance with the provisions of Section 20.3.b., the Town Manager shall appoint a Director of Public Health, and the Director may appoint such other staff for whom funding has been provided.

10. Amending the General Bylaws by deleting Sections 36.3 and 36.4 and inserting in place thereof the following sections:

**36.3. (Library Trustees) General Duties.** Except as otherwise provided by Special Act, the Board shall have the powers and duties of boards of library trustees under Chapter 78 of the General Laws. These include having the custody and management of the library and of all the property owned by the Town relating thereto.

**36.4 Director.** In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Library Director, and the Director may appoint such other staff for whom funding has been provided.

11. Amending the General Bylaws by deleting Section 37.4 and inserting in place thereof the following:

**37.4. (Recreation Department) Director of Recreation.** In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Director of Recreation, and the Director may appoint such other staff for whom funding has been provided.

12. Amending the General Bylaws by deleting Section 40.4 and inserting in place thereof the following:

**40.4. (Youth Commission) Director of Youth Services.** In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Director of Youth Services, and the Director may appoint such other staff for whom funding has been provided.

13. Amending the General Bylaws by deleting Section 42.4 and inserting in place thereof the following:

**42.4. (Assessors) Chief Assessor.** In accordance with the provisions of Section 20.b.3, the Town Manager shall appoint a Chief Assessor, who shall:

- a. be professionally qualified and experienced in the assessment and apportionment of taxes and the valuation of property for the purpose of taxation;
- b. assess and apportion taxes in the Town, subject to the approval of the Board of Assessors;
- c. value property in the Town, both real and personal, for the purpose of taxation, subject to the approval of the Board of Assessors;

- d. perform such other duties as the Assessors may require including acting as a hearing officer in the application for abatements and exemptions, and otherwise assisting the Board of Assessors in the performance of its duties.

14. Amending the General Bylaws by deleting Section 43.6 and inserting in place thereof the following:

**43.6. (Natural Resources Commission) Director of Natural Resources.** In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Director of Natural Resources, and the Director may appoint such other staff for whom funding has been provided.

15. Amending the General Bylaws by deleting Section 45.5 and inserting in place thereof the following:

**45.4. (Planning Department) Planning Director.** In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Planning Director, and the Director may appoint such other staff for whom funding has been provided.

16. Amending the General Bylaws by deleting Sections 47.2.a and 47.4 and inserting in place thereof the following sections:

**47.2. Definitions.** As used herein, the following words and terms shall have and include the following respective meanings:

- a. Dog Officer: An officer appointed annually by the Town Manager, who shall have all powers and duties conferred upon animal control officers by Sections 136A through 174E, inclusive, of Chapter 140 of the General Laws, by the Town Bylaws, and by the Board of Selectmen.

**47.4. Dog Officer.** In accordance with the provisions of Section 20.3.b, and based on the recommendation of the Chief of Police, the Town Manager shall annually appoint one or more Dog Officers, to be charged with the enforcement of this Article.

## **ADVISORY REPORT**

The proposed amendments of the Town's Bylaws in Article 2.B are necessary to provide the Town Manager with appointment authority over Town personnel to reflect changes approved as a result of favorable action on the Special Act, as voted under Motion 3A of the warrant for the November 2, 2015, Special Town Meeting.

Article 4.B in the Fall 2015 STM Advisory Report reflects the Town Government Study Committee's (TGSC) proposed amendments that provide for the Town Manager's appointment and oversight authority over the Town employees, not including staff contracted for by the Wellesley Housing Authority, the School superintendent and School employees, the Municipal Light Director and employees, and the Director of Veterans' Services.

Friendly Amendments to these proposed bylaws were accepted as of 11/24/15. These amendments moved the appointment authority to appoint staff from the Town Manager to the Director for the following departments:

Facilities Maintenance (Article 24.3)

Public Works (Article 29.4)  
Senior Services (Article 33.4)  
Public Health (Article 34.4)  
Library (Article 36.4)  
Recreation (Article 37.4)  
Youth Services (Article 40.4)  
Natural Resources (Article 43.6)  
Planning (Article 45.4)

The following sections have been edited since the Fall 2015 STM:

- Article 12.4 (Sustainable Energy Committee) Staff
- Article 21.2 Police Department
- Article 21.3 Responsibilities of Chief of Police
- Article 22.3 Responsibilities of Fire Chief or Chief Fire Engineer

#### **Article 12.4 (Sustainable Energy Committee) Staff**

The following sentence has been amended: “In accordance with the provisions of Section 20.3.b, the Town Manager **or the Town Manager’s designee** shall appoint a sustainable energy coordinator **and the coordinator may appoint, such other staff for whom funding has been provided.**”

The TGSC’s proposal had been to give the Town Manager the authority to hire staff for the Sustainable Energy Committee, but this change allows the sustainable energy coordinator to hire staff. This amendment brings the Sustainable Energy Committee in line with the departments listed above (the Friendly Amendments as of 11/24/15 already switched the hiring authority for department staff from the Town Manager to each department’s Director).

#### **Article 21.2 (Police Department) Responsibilities of the Town Manager**

The “Special Police” have been exempted from the Town Manager’s authority to appoint or promote police officers and Police Department employees and will continue to be appointed by the Board of Selectmen. Special Police are deputized for certain activities, such as detail assignments and support during major events, but are not Town employees. The Special Police include, for instance, members of the Babson and Wellesley College police departments. Advisory notes that the Town Manager’s authority to appoint or promote police officers and other employees of the Wellesley Police Department is contingent upon the recommendation of the Chief of Police.

#### **Article 21.3 Responsibilities of Chief of Police**

The proposed change is that the Board of Selectmen **and the Town Manager** will determine appropriate police and related services to be provided to the Town by the Chief of Police. Previously, only the Board of Selectman made that determination. In addition, stylistic changes have been made to clarify the language.

#### **Article 22.3 Responsibilities of Fire Chief or Chief Fire Engineer**

The proposed change is that the Board of Selectmen **and the Town Manager** will determine appropriate fire-fighting and other services to be provided to the Town by the Fire Chief or the Chief Fire Engineer. Previously, only the Board of Selectman made that determination. The changes in language for the responsibilities of the fire chief and the police chief (in Article 21.3) are parallel.



## **ADVISORY CONSIDERATIONS**

The Advisory Committee agrees that the proposed amendments of the Town's Bylaws in Article 2.B are necessary to provide the Town Manager with appointment authority over Town personnel to reflect changes approved as a result of favorable action on the Special Act, as voted under Motion 3A of the warrant for the November 2, 2015, Special Town Meeting.

Advisory notes that the Friendly Amendments accepted as of 11/24/15 changed the appointment authority from the Town Manager to the Director for the staff in the following departments: Facilities Maintenance, Public Works, Senior Services, Public Health, Library, Recreation, Youth Services, Natural Resources, and Planning. The change here to Article 12.4 gives the Coordinator of the Sustainable Energy Committee the appointment authority to hire staff; Advisory agrees with this change. Advisory members are pleased that these changes have been made and agree with the department heads having authority to hire the staff for their own departments.

Advisory discussed Article 11.5 (Advisory Committee) Staff and whether it would be appropriate for the Advisory Committee's Staff to be appointed by the Town Manager (or the Town Manager's designee). Currently, the "Staff" consists of a part-time Administrative Assistant, and the committee agrees that there would be no potential conflict with this person reporting to the Town Manager, or the Town Manager's designee. If the role of staff for the Advisory Committee were to change going forward, Article 11.5 could be amended in the future.

At least one Advisory member feels that Section 21.2 "(Police Department) Responsibilities of the Town Manager" should include a reference to both police promotion and discipline policies in order to have a complete picture represented in the Bylaws.

**Advisory will give its recommendation at the Special Town Meeting.**

**ARTICLE 2.C.** To see if the Town will vote to amend Articles 30, Human Resources Board, and 31, Classification and Salary Plans, of the General Bylaws to establish the roles of the Town Manager. Human Relations Board and Human Relations Director in the administration of personnel policies, the Classification and Salary Plan and collective bargaining agreements. A copy of the proposed language for Articles 30 and 31 of the General Bylaws is on file and available for viewing at the office of the Town Clerk and at the Wellesley Free Library.

**(Board of Selectmen)**

## **ARTICLE 2, MOTION C**

### **ARTICLE 30. HUMAN RESOURCES**

**30.1. Human Resources Board Membership.** The Town shall have a Human Resources Board consisting of five residents appointed by the Moderator. No member shall be a member of another board, or an officer, or paid employee of the Town; provided, however, that a Town Meeting Member may be a member of the Board. At least two members of the Human Resources Board shall have either education or experience in personnel management or labor relations.

**30.2. Term.** The term of office of each Human Resources Board member shall be up to three years terminating on June 30. The terms of no more than two members shall expire in any single year.

**30.3. Human Resources Director.** In accordance with the provisions of Section 20.3.b., the Town Manager shall appoint a Human Resources Director. The Director shall appoint such other staff for whom funding has been provided.

**30.4. Administer Plans.** The Director shall administer the Classification and Salary Plans approved pursuant to Article 31, and applicable collective bargaining agreements. The Director shall establish such procedures, consistent with those Plans, as the Director deems necessary for the administration of the Plans.

**30.5. Review Work.** The Director shall, as necessary and appropriate and consistent with commonly-accepted human resources practices, review the work of all employee positions subject to the Classification Plan. Such reviews may be undertaken to respond to requests by department heads or upon the Director's initiative when the Director becomes aware of circumstances that indicate that a review is appropriate. As a result of such review, the Director may recommend and the Board may approve, pursuant to Section 31.2, the addition of a new position to the Classification Plan or reclassification of an existing position within the Classification Plan.

**30.6. Review Salary Plan.** The Director shall, from time to time, review the Salary Plan. The Director shall keep informed about the pay rates and policies of other employers comparable to

the Town. The Director shall recommend to the Board and the Board may approve any changes to the Salary Plan that are deemed desirable to maintain fair and equitable pay levels.

**30.7. Variations from Salary Plan.** Upon recommendation of the Director, supported by written evidence satisfactory to the Board of special reasons or exceptional circumstances, the Board may authorize an entrance pay rate higher than the mid-point established for a position in the Salary Plan, and such other variations from the Salary Plan as it may deem necessary for the proper functioning of the Town.

**30.8. Recruitment.** The Director shall recruit applicants for positions in the Classification Plan.

**30.9. Records.** The Director shall maintain such records and file such reports as are necessary to comply with fair employment practice laws and the rules of appropriate regulatory agencies, and maintain personnel records of all employees in the Classification Plan, including therein such information as the Director deems desirable.

**30.10. Personnel Policies.** The Director shall recommend and the Board may approve, following a public hearing with not less than seven days' notice to the department heads and boards to whom the amendment applies, personnel policies and amendments thereto applicable to boards, officers and employees of the Town except employees of the School Committee and the Municipal Light Board. The Director shall administer procedures and policies for all Town employees.

**30.11. Compliance Advice.** The Director shall advise all boards, officers, and officials with respect to compliance with applicable fair employment practice laws and other applicable state and federal employment laws and regulations.

**30.12. Civil Service Law.** Nothing in this article, or in the Salary Plan, shall be construed to conflict with Chapter 31 of the General Laws.

**30.13. Requests for Information.** All boards, officers, officials and employees thereof shall furnish such information to the Director as the Director shall reasonably request in the performance of the Director's duties.

**30.14 General Provisions.** The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these laws to act otherwise.

## **ARTICLE 31. CLASSIFICATION AND SALARY PLANS**

**31.1. Classification Plan.** The positions of all officers and employees in the service of the Town (whether full time, part time, seasonal, casual, special, Civil Service or others) other than those positions under the direction and control of the School Committee or Municipal Light Board,

shall be classified by titles in groups set forth in a Classification Plan as approved and, from time to time, amended by the Human Resources Board.

**31.2. New or Changed Positions.** Whenever a new position that is required to be classified by Section 31.1. is established or the duties of an existing classified position are significantly changed, the Human Resources Board shall, upon presentation by the Director of Human Resources of satisfactory substantiating data assign or reclassify such new or changed position to its appropriate group in the Classification Plan; provided, however, that the assignment or reclassification of new or changed positions included in collective bargaining units shall be subject to the negotiation-requirements of Chapter 150E of the Massachusetts General Laws.

**31.3. Titles of Positions.** No person shall be appointed, employed or paid as an employee in any position that has been classified pursuant to Section 31.1 except under a title set forth in the Classification Plan the duties of which are actually being performed. The job title in the Plan shall be the official title for all purposes having to do with the position and shall be used to designate the position in all payrolls, budget estimates and official reports, and in every other connection involving personnel and fiscal processes.

**31.4. Reclassification of Employees.** No employee may be reclassified to a position in, the Classification and Salary Plan, unless the Board determines that such reclassification will be consistent with the parameters of the Classification and Salary Plans. There shall be only one reclassification in any 12-month period for any employee unless the Board determines that unusual circumstances justify an additional reclassification.

**31.5. Job Descriptions.** The Director shall maintain written job descriptions of the positions in the Classification Plan, describing the essential characteristics, requirements and general duties of the jobs. The descriptions shall not be construed as an employment contract and shall not be interpreted as complete or limiting definitions of any job. Nothing contained in any job description shall be construed as limiting employees' duty to perform any tasks assigned by department heads, supervisors, or other administrative authority.

**31.6. Salary Plan.** A Salary Plan shall be established and, from time to time, amended by the Human Resources Board to provide minimum and maximum salaries, or single rate salaries, for the groups and positions in the Classification Plan. The salary range, or rate, of a group shall be the salary range, or rate, for all positions classified in the group.

**31.7. Amendment of Plans.** The Classification Plan and the Salary Plan may be amended by the Board upon the recommendation of the Director. The procedures for amending the Classification and Salary Plans shall be as follows:

- a. For the Classification Plan, upon the Board's receipt of a recommendation from the Director, the Director shall give the department heads and boards to whom the amendment applies at least seven days' notice, and may then consider the proposed amendment.

- b. For the Salary Plan, upon the Board's receipt of a recommendation from the Director, the Director shall give the department heads and boards to whom the amendment applies at least seven days' notice and shall provide for public notice in a manner determined by the Board. The Board shall then hold a hearing to consider the proposed amendment.

## **ADVISORY REPORT**

The proposed amendments of the Town's Bylaws in Article 2.C are necessary to amend Articles 30 and 31 of the General Bylaws to reflect changes approved as a result of favorable action on the Special Act, as voted under Motion 3A of the warrant for the November 2, 2015, Special Town Meeting.

Please refer to Article 4.C in the Fall 2015 STM Advisory Report to review the Town Government Study Committee's proposed changes to Articles 30 and 31 of the General Bylaws. Those changes shifted the responsibility for all of the various administrative functions in the Human Resources Department (HR Department), including the administration of the Classification and Salary Plans for all non-union employees of the Town except for those of the School Department and the Municipal Light Plant (MLP), from the Human Resources Board (HRB) to the Human Resources Director (HR Director) and establish the HRB as more of a policy-making board for human resources.

The following sections have been edited since the Fall 2015 STM:

Section 30.2 Term  
Section 30.5 Review Work  
Section 30.6 Review Salary Plan  
Section 30.7 Variations from Salary Plan  
Section 30.10 Personnel Policies  
Section 30.11 Compliance Advice  
Section 30.13 Requests for Information  
Section 31.2 New or Changed Positions  
Section 31.6 Salary Plan

Many of these changes are recommendations from Town Counsel to clarify the language.

### **30.2 Term**

The following sentence has been added: "The terms of no more than two [Human Resources Board] members shall expire in any single year."

### **30.5 Review Work**

Town Counsel recommended stylistic changes to clarify the language.

### **30.6 Review Salary Plan**

Town Counsel recommended stylistic changes to clarify the language.

### **30.7 Variations from Salary Plan**

Town Counsel recommended stylistic changes to clarify the language.

### **30.10 Personnel Policies**

The required notice for a public hearing regarding changes to personnel policies has changed from three days to seven days. This was a compromise: the original proposal was three days, but some proponents wanted ten days. Seven days was agreed upon.

### **30.11 Compliance Advice**

Town Counsel recommended stylistic changes to clarify the language.

### **30.13 Requests for Information**

The word “reasonably” has been added to the sentence: “All boards, officers, officials and employees thereof shall furnish such information to the Director as the Director shall reasonably request in the performance of the Director’s duties.”

### **31.2 New or Changed Positions**

Town Counsel recommended stylistic changes to clarify the language.

### **31.6 Salary Plan**

The words “Human Resources Board” have been added to clarify who will establish and amend the Salary Plan.

## **ADVISORY CONSIDERATIONS**

The proposed amendments of the Town’s Bylaws in Article 2.C are necessary to amend Articles 30 and 31 of the current Bylaws to reflect changes approved as a result of favorable action on the Special Act, as voted under Motion 3A of the warrant for the November 2, 2015, Special Town Meeting.

Articles 30 and 31 as proposed by the Town Government Study Committee will shift the responsibility for all of the various administrative functions in the HR Department, including the administration of the Classification and Salary Plans for all non-union employees of the Town except for those of the School Department and the Municipal Light Plant (MLP), from the HRB to the HR Director and will establish the HRB as more of a policy-making board for human resources.

The Advisory Committee agrees that the proposed amendments to the Bylaws are necessary to reflect the changes approved at the Fall 2015 STM. However, the Advisory Committee did not vote on Article 2C at the time this Advisory Report went to print, because the Board of Selectmen had not yet finalized the proposed Bylaw changes.

**Advisory will make its recommendation at the Special Town Meeting.**

**ARTICLE 2.D.** To see if the Town will vote to amend certain provisions throughout the General Bylaws, as voted under motion 3A of the warrant for the November 2, 2015 Special Town Meeting, to require that the Board of Selectmen fix the date for Annual Town Meeting by November 15 of the preceding year, and to make other miscellaneous changes to Town Government in accordance with such Special Act. A copy of the proposed amendments to the General Bylaws is on file and available for viewing at the office of the Town Clerk and at the Wellesley Free Library.

**(Board of Selectmen)**

## **ARTICLE 2, MOTION D**

Provided that the Town Clerk shall assign appropriate alphanumeric references to any provisions of the General Bylaws necessitated by this amendment and, in each case, the assignment of such references shall be identified by a footnote or other convention, that the Town vote to amend the General Bylaws related to appointments to conform with the Special Act authorized pursuant to Warrant Article 3(A) by:

1. Amend the General Bylaws by deleting Section 1.2 and inserting in place thereof the following:

**1.2. Definitions.** For the purposes of these bylaws:

- a. "Board" means a multiple-member board, commission, committee or sub-committee, however created, elected, appointed or otherwise constituted.
- b. "Officer" means the senior appointed staff employee of a Town Department; provided, however, that a person employed primarily for clerical duties is not an "officer;" and provided further that the Treasurer and Collector of Taxes, Town Counsel, the Inspectors named in Article 23 and the Sealer of Weights and Measures are also officers.
- c. "Official" means the Moderator and the Town Clerk.
- d. "Resident" means a person who occupies an established place of abode in the Town as his or her principal residence with no present intention of definite and early removal.

2. Amend the General Bylaws by deleting Sections 6.3 and Section 6.4 and inserting in place thereof the following:

**6.4. Engineering.** Unless expressly authorized by statute, a vote of Town Meeting, or by the Town Manager, no board, officer, or official (except the Permanent Building Committee) shall incur any expense for engineering services of the kind provided by the Department of Public Works.

3. Amend the General Bylaws by deleting Section 8.6 and inserting in place thereof the following:

**8.6. Date for Annual Town Meeting.** The Annual Town Meeting shall commence no earlier than the last Monday in March and no later than the last day of May. The Board of Selectmen shall fix the time and place for the Meeting no later than November 15 prior thereto.

4. Amend the General Bylaws by deleting Section 13.5 and inserting in place thereof the following:

**13.5. Audit Reports.** The Audit Committee shall receive all reports of the auditors and, upon receipt, shall provide a copy of such reports to the Town Manager, the Board of Selectmen and the Town Clerk. The Town Manager shall also provide to any board, officer or official a copy of any portion of an audit report relating to that board, officer or official, or to any department or employee providing support to that board, officer or official.

5. Amend the General Bylaws by deleting Section 24.5 and inserting in place thereof the following:

**24.5. Annual Building Report.** The Director of Facilities Maintenance shall report annually to the Town Manager on the status of each Town-owned building under the Director's supervision, including any work performed during the year, recommendations for future action, and the expected costs to maintain the buildings to the appropriate standard. Upon receipt, the Town Manager shall provide copies of the annual building report to the Board of Selectmen and each board or officer having care, custody, management or control of a building or who occupy included in the report.

6. Amend the General Bylaws by inserting the following new section numbered 26.4 and renumbering subsequent sections accordingly:

**26.4 Reports and Salary.** The Town Clerk shall, upon request, provide to the Town Manager a report containing such information about the performance of the Clerk's duties as is requested by the Town Manager. The Town Manager shall recommend the Clerk's salary to Annual Town Meeting for approval.

## **ADVISORY REPORT**

The Board of Selectmen asks Town Meeting to amend certain provisions throughout the General Bylaws so that the Bylaws are in accordance with the Special Act, as voted under Motion 3A of the warrant for the November 2, 2015, Special Town Meeting.

The following bylaws are affected by this motion:

- Article 1. General Definitions and Rules of Interpretation
- Article 6. General Provisions
- Article 8. Town Meeting
- Article 13. Audit Committee
- Article 24. Facilities Maintenance Department
- Article 26. Town Clerk

### **1.2.b. Definitions**

The term "officer" is used throughout the Town Bylaws and currently is defined in the Bylaws to be the "senior departmental staff employee appointed by a board." Since the Town Manager will



appoint the department heads, the definition needs to be revised to provide that an “officer” is “the senior appointed staff employee of a Town Department.” A person employed primarily for clerical duties is not an “officer.”

### **1.2.c. Definitions**

“Official” means the Moderator and the Town Clerk.

### **6.4 Engineering**

This section transfers the authority to approve engineering work not done by the Department of Public Works from the Board of Public Works to the Town Manager.

### **8.6 Date for Annual Town Meeting**

The timeline for the proposed budget process is based on the start date of the Annual Town Meeting (ATM); therefore, it is important that the date of ATM be set early in the budget year. This proposed amendment would require that the Board of Selectmen set the time and place for ATM by November 15 of the prior year.

### **13.5 Audit Reports**

This proposed amendment would require the Audit Committee to provide copies of an auditor’s report to the Town Manager, the Board of Selectmen, and the Town Clerk upon receipt of the report. It would then be the Town Manager’s responsibility to provide to any board, officer, or official a copy of any portion of an audit report relating to that board, officer, or official (or any department or employee providing support to that board, officer, or official).

At the suggestion of the Advisory Committee, the Board of Selectmen is considering revising this proposed amendment to include Advisory on the distribution list for this report.

### **24.5 Annual Building Report**

The following sentence has been added to the proposed amendment: “Upon receipt, the Town Manager shall provide copies of the annual building report to the Board of Selectmen and each board or officer having care, custody, management or control of a building or who occupy included in the report.”

At the suggestion of the Advisory Committee, the Board of Selectmen is considering revising this proposed amendment to include Advisory on the distribution list for this report.

### **26.4 Reports and Salary**

The Town Manager may ask the Town Clerk for a report on the Clerk’s performance of duties. The Town Manager will recommend the Clerk’s salary to Annual Town Meeting for approval.

## **ADVISORY CONSIDERATIONS**

The proposed amendments of the Town’s Bylaws in Article 2.D are necessary to amend the current Bylaws to implement Town Manager authority and to reflect changes approved as a result of favorable action on the Special Act, as voted under Motion 3A of the warrant for the November 2, 2015, Special Town Meeting.

In our current Bylaws, there is no deadline for the Board of Selectmen to set the date for the Annual Town Meeting. Advisory considers this addition to the Bylaws a positive one.

Advisory agrees that providing copies of the annual building report to each board or officer having care, custody, management or control of a building is a positive addition to the Town's Bylaws. For example, the Board of Library Trustees will now receive the building report that reviews the work performed at the library during the year, recommendations for future action at the library, and the expected costs to maintain the library. Advisory members think it would be appropriate for the Advisory Committee to be added to the distribution list for Audit Reports and the Annual Building Report; however, these changes are still being discussed by the Board of Selectmen and are not included here.

Several Advisory members voted unfavorable action on Warrant Article 4D at the Fall 2015 Special Town Meeting because they did not agree with switching the Town Clerk position from an elected position to an appointed position. Because the amendment to Section 3(B)(2) of the Warrant Article 3A (the Special Act) of the Fall 2015 Special Town Meeting to delete the Town Clerk from the Town Manager's appointment authority was approved, the Town Clerk has remained an elected position; the initial changes to Article 26 ("Town Clerk") are no longer being proposed.

**Advisory will give its recommendation at the Special Town Meeting.**

**ARTICLE 3.** To see if the Town will vote to authorize the Board of Selectmen to take any action they deem necessary or appropriate to implement the Special Act and Bylaw amendments approved under Warrant Article 2; or take any other action in relation thereto.

**(Board of Selectmen)**

**Advisory expects no motion under this Article.**

## **APPENDIX A: TOWN MEETING ACRONYMS**

AC	Advisory Committee
ACS	Access Control Systems
ADA	Americans with Disabilities Act
AED	Automated External Defibrillator
AFSCME	American Federation of State, County and Municipal Employees
AMI	Advanced Metering Infrastructure
ATC	American Tower Corporation
ATM	Annual Town Meeting
BOH	Board of Health
BOS	Board of Selectmen
BPW	Board of Public Works
CB	Circuit Breaker
COA	Council on Aging
COLA	Cost of Living Adjustment
CPA	Community Preservation Act
CPC	Community Preservation Committee
DAS	Distributed Antenna System
DEP	Department of Environmental Protection
DESE	Department of Elementary and Secondary Education
DOR	Department of Revenue
DPW	Department of Public Works
DRB	Design Review Board
ELL	English Language Learner
FAR	Floor Area Ratio
FBPC	Fuller Brook Park Committee
FCM	Forward Capacity Market
FF&E	Furniture, Fixtures and Equipment
FMD	Facilities Maintenance Department
FTE	Full-Time Equivalent
FY	Fiscal Year
GIC	Group Insurance Commission
GIS	Geographic Information Systems
HDC	Historic District Commission
HHU	Hardy, Hunnewell and Upham
HRB	Human Resources Board
HRS	Human Relations Service, Inc.
HVAC	Heating, Ventilation and Air Conditioning
ID	In District
IDEA	Individuals with Disabilities Education Act

IEP	Individualized Education Plan
ISO-NE	Independent System Operator – New England
IT	Information Technology
LHR	Large House Review
LRE	Least Restrictive Environment
MAAB	Massachusetts Architectural Access Board
MEMA	Massachusetts Emergency Management Agency
MGL	Massachusetts General Laws
MIAA	Massachusetts Interscholastic Athletic Association
MLB	Municipal Light Board
MLP	Municipal Light Plant
MOU	Memorandum of Understanding
MSBA	Massachusetts School Building Authority
MWRA	Massachusetts Water Resources Authority
MWRTA	MetroWest Regional Transit Authority
NCD	Neighborhood Conservation District
NRC	Natural Resources Commission
NRP(Z)	Natural Resource Protection (Zoning)
OOD	Out of District
OPEB	Other Post-Employment Benefits
OPM	Owner's Project Manager
PARCC	Partnership for Assessment of Readiness for College and Careers
PAWS	Preschool at Wellesley Schools
P&S	Purchase and Sale Agreement
PB	Planning Board
PBC	Permanent Building Committee
PFTP	Playing Fields Task Force
PSI	Project of Significant Impact
RDF	Recycling and Disposal Facility
RFP	Request for Proposals
SC	School Committee
SEC	Sustainable Energy Committee
SFC	School Facilities Committee
SFMP	School Facilities Master Plan
SMMA	Symmes, Maini, McKee & Associates
SOI	Statement of Interest
SPGA	Special Permit Granting Authority
SR	Single Residence (District)
STEM	Science, Technology, Engineering and Mathematics
STM	Special Town Meeting
SWG	Security Working Group

TDRT	Town Development Review Team
TGSC	Town Government Study Committee
TM(M)	Town Meeting (Member)
TPC	Tolles-Parsons Center
TWFP	Town-Wide Financial Plan
VMS	Video Management System
WCRS	Wellesley Contributory Retirement System
WFL	Wellesley Free Library
WHA	Wellesley Housing Authority
WHC	Wellesley Historical Commission
WHDC	Wellesley Housing Development Corporation
WHS	Wellesley High School, Wellesley Historical Society
WMS	Wellesley Middle School
WPC	Wetlands Protection Committee
WPS	Wellesley Public Schools
WSCD	Wellesley Square Commercial District
WSHG	West Suburban Health Group
WSVD	West Suburban Veterans' District
ZBA	Zoning Board of Appeals

## **APPENDIX B: GLOSSARY OF MUNICIPAL FINANCE TERMS**

**ABATEMENT.** A complete or partial cancellation of a tax or assessment levied (imposed) by the Town. Abatements usually apply to tax levies and special assessments.

**APPROPRIATION.** An authorization granted by Town Meeting to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and as to time when it may be expended.

**ASSESSED VALUATION.** A valuation set upon real estate or other property by the Town as a basis for levying taxes. Equally assessed valuation refers to the Town's assessed valuation as determined by the Assessors, adjusted by the State Department of Revenue on a biennial basis to reflect full market value ("equalized valuation").

**BUDGET.** A plan of financial operations embodying an estimate of proposed expenditures for a given period and the proposed means of financing them. A budget may be "preliminary" – the financial plan presented to Town Meeting, or "final" – the plan approved by Town Meeting.

**CAPITAL PROJECT.** A major nonrecurring physical acquisition expenditure often including planning, acquisition, and construction phases.

**CHERRY SHEET.** An annual statement received by the Assessors from the State Department of Revenue detailing estimated receipts for the next fiscal year from various state aid accounts and the Local Aid Fund (Lottery) and estimated charges payable by the Assessors in setting the tax rate. Supplemental Cherry Sheets may be issued during the year and there is no guarantee that the estimated receipts and charges shown thereon will not vary from actual receipts and charges.

**COLLECTIVE BARGAINING.** Negotiations between an employer and union representative regarding wages, hours, and working conditions.

**DEBT AUTHORIZATION.** The formal approval required under the procedures set forth in Chapter 44 of the Massachusetts General Laws before the Town may lawfully incur debt.

**DEBT SERVICE REQUIREMENT.** The amount of money required to pay interest on outstanding debt, and serial maturities of principal for serial bonds.

**ENTERPRISE FUND.** A fund established to account for operations (a) that are financed and operated in a manner similar to private business enterprises – where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability, or other purposes. Examples of Enterprise Funds are those established for the Town's water, sewer, and electric utilities.

**EQUALIZED VALUATION.** The value of all property as determined by the State Tax Commission biennially, using a standard of "full and fair value." This is also referred to as "100% valuation." The equalization figures are reported in December and affect State aid distributions for the two-year period beginning the following July.

**EXCESS LEVY CAPACITY.** The difference between the Town's maximum tax levy limit as established by Proposition 2 ½ and its actual tax levy in the most recent year for which the Town has set a tax rate. This is the additional tax levy that the Town could raise without going to the voters for an override or debt exclusion.

**EXCLUSIONS.** A provision in the Proposition 2 ½ Law (Chapter 580 of the Acts of 1980) that provides, through referendum, to add funds to the total tax levy on a temporary basis. Exclusions and Debt Exclusions are specifically for capital or special onetime items. Exclusion type questions, if approved by voters, are used to fund onetime items, usually large capital projects. These funds do not become part of the permanent tax levy base. An exclusion for debt service on a loan to pay for a major capital project expires when the loan is paid. The amount added to the tax levy for a particular year is the debt service needed for that year only. Exclusions are only effective until the funding for the project to which they apply is complete.

**FISCAL YEAR.** A 12 month period to which the annual operating budget applies and at the end of which the Town determines its financial position and the results of its operations. The Commonwealth and the Town operate on a fiscal year that begins on July 1 and ends on June 30. The number of the fiscal year is that of the calendar year in which the fiscal year ends; e.g., the fiscal year 2014 begins July 1, 2013, and ends June 30, 2014, usually written as FY 14.

**FIXED ASSETS.** Assets of a long-term character which are intended to continue to be held or used, such as land, buildings, improvements other than buildings, machinery and equipment.

**FREE CASH.** Sum of funds appropriated and raised by the Town, but not expended in the years for which they were appropriated, minus uncollected taxes of prior years. This amount must be certified by Massachusetts Bureau of Accounts before it can be used.

**FULL-TIME EQUIVALENT.** A term that expresses the amount of time a position has been budgeted for in terms of the amount of time a regular, full-time employee normally works in a year. For most positions in Town, one FTE has been set to equal the number of hours a typical full-time employee works during a calendar year after deducting holiday, vacation, sick and personal time from a 52.2 week year consisting of 2,088 total hours. A position that has been budgeted to work full-time for only six months is 0.5 FTE.

**FUND.** A fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations.

**FUND TYPE.** In governmental accounting, all funds are classified into seven generic fund types: General, Special Revenue, Capital Projects and Debt Service (Governmental Funds), Enterprise and Internal Service (Proprietary Funds), and Trust and Agency (Fiduciary Funds).

**GAAP.** Generally Accepted Accounting Principles. There are twelve basic principles of accounting and reporting applicable to state and local governments. These include the use of the modified accrual basis of accounting, as appropriate, for measuring financial position and operating results. These principles must be observed in order to provide a basis of comparison of data among different cities and Towns.

**GENERAL FUND.** The fund used to account for all financial resources of the Town except those required to be accounted for in another fund.



**GENERAL REVENUE.** The revenues of the Town other than those derived from and retained in an enterprise. If a portion of the net income in an Enterprise Fund is contributed to another non-enterprise fund, such as the General Fund, the amounts constitute general revenue of the Town.

**GROWTH REVENUE.** The amount of property tax revenue that the Town can add to its allowable tax levy (above the 2 ½%) from new construction, alterations, subdivision, change of use or anything being taxed for the first time. It is computed by applying the prior year's tax rate to the increase in valuation.

**MODIFIED ACCRUAL BASIS.** The accrual basis of accounting adapted to the government fund type, wherein only current assets and current liabilities are generally reported on fund balance sheets, and fund operating statements present "financial flow" information (revenues and expenditures). Revenues are recognized when they become both "measurable" and "available to finance expenditures of the current period." Expenditures are recognized when the related fund liability is incurred except for a few specific exceptions. All governmental funds and Expendable Trust Funds are accounted for using the modified accrual basis of accounting.

**OFFSET RECEIPTS.** Includes certain education programs, aid to public libraries and environmental programs which are designated on the Cherry Sheet as offset items. These amounts can be spent without appropriation but must be spent only for these specific municipal programs.

**OPERATING BUDGET.** Plans of current expenditures and the proposed means of financing them. The annual operating budget is the primary means by which most of the financing, acquisition, spending and service delivery activities of the Town are controlled.

**OVERLAY.** The amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover abatements on real and personal property taxes and to avoid fractions in the tax rates.

**OVERRIDE.** A provision in the Proposition 2 ½ Law (Chapter 580 of the Acts of 1980) that provides, through the referendum process, to add funds to the total tax levy on a permanent basis. If approved by a Town Wide vote, the override amounts become a part of the tax levy base and therefore the amount approved in a given vote does grow with the rest of the base by 2 ½% per year. An override question can only provide for additional funding for either the operating budget or the ongoing capital budget.

**PRIMARY LEVY LIMIT.** 2 ½% of certified full and fair cash value of taxable property.

**PROPOSITION 2 ½.** A statewide tax limitation initiative petition limiting the property tax levy in cities and Towns in the Commonwealth to 2 ½% of the full and fair cash valuation of the taxable real estate and personal property in that city or Town. The statute also places an annual growth cap of 2 ½% on the increase in the property tax levy.

**REIMBURSEMENTS.** (1) Repayments of amounts remitted on behalf of another party. (2) Inter-fund transactions which constitute reimbursements of a fund for expenditures or expenses initially made from it which are properly applicable to another fund – e.g., an expenditure properly chargeable to a Special Revenue Fund was initially made from the General Fund, which is subsequently reimbursed. They are recorded as expenditures or expenses (as appropriate) in the reimbursing fund and as reductions of the expenditure or expense in the fund that is reimbursed.

**RESERVE FUND.** A fund established by the Annual Town Meeting which is under the control of the Town's Advisory Committee and from which transfer may be made for extraordinary and unforeseen expenditures. It may be composed of an appropriation of not more than 5% of the prior year's tax levy.

**REVOLVING FUNDS.** Those funds which may be used without appropriation and which are established for particular uses such as school athletics, continuing education programs, school lunch programs, self-supporting recreation and park services, conservation, etc.

**SECONDARY LEVY LIMIT.** Prior year levy limit plus 2 ½% (Base) plus "growth revenue."

**SPECIAL APPROPRIATION.** An authorization to expend funds for a specific project not encompassed by normal operating categories.

**STABILIZATION FUND.** A special reserve account created to provide for capital improvements which is invested until used. The Town may appropriate into this fund in any year an amount no more than 10% of the prior year's tax levy. The outstanding balance in the account cannot exceed 10% of the Town's equalized valuation. Generally, it requires a 2/3 vote of Town Meeting to appropriate money from the Stabilization Fund.

**STATE DISTRIBUTION.** All revenue flowing from the Commonwealth. Major categories include reimbursement for loss of taxes, educational distributions and reimbursements, funds for direct education expenditures, general government reimbursements and distributions.

**SURPLUS REVENUE.** This is the amount by which cash, accounts receivable and other floating assets exceed the liabilities and reserves.

**SUPPLEMENTARY APPROPRIATION.** An appropriation submitted after the main budget has been approved, which must specify a revenue source.

**TAX LEVY.** The net amount to be raised by the Town each fiscal year by assessing ad valorem taxes on real estate and personal property located within the Town.

**TAX RATES.** The amount of tax stated in terms of a unit of the tax base; for example, \$8.91 per \$1,000 of assessed valuation of taxable property.

**UNFUNDED PENSION LIABILITY.** Unfunded pension liability is the difference between the value assigned to the retirement benefits already earned by the Town's employees and the assets the Town's retirement system will have on hand to meet these obligations. The dollar value of the unfunded pension liability is driven by assumptions about interest rates at which a retirement system's assets will grow and the rate of future costs of living increases to pensioners.

**UNENCUMBERED APPROPRIATION.** The portion of an appropriation not yet expended or encumbered.

**UNIFORM MUNICIPAL ACCOUNTING SYSTEM.** A comprehensive and practical municipal accounting system that conforms to GAAP for local governments. UMAS is regarded by the Department of Revenue as the professional standard for modern municipal accounting in Massachusetts. Among the benefits of conversion to UMAS are increased consistency in reporting and record keeping and enhanced comparability of data among cities and Towns.

## **APPENDIX C: GUIDELINES FOR CONDUCT OF WELLESLEY REPRESENTATIVE TOWN MEETING**

### **I. INTRODUCTION**

The purpose of Wellesley Town Meeting (the “Meeting”) is to reach decisions with respect to the matters brought before the Meeting by a democratic process. The process should not be partisan or adversarial. Rather it should demonstrate an effort by the elected representatives of the Town in open discussion, free from technicalities of parliamentary procedure, to establish constructive policies for the government of the Town. The Meeting depends for its effectiveness on familiarity of the Town Meeting Members with the matters before the Meeting and upon their ability to rely one upon the other and upon their elected or appointed boards and committees.

All who speak to the Meeting or prepare reports to it should seek to be worthy of this trust. Proponents of action should make full and fair disclosure of all facts and considerations bearing on a problem, not merely those favoring their proposal. On the other hand, those opposed to a proposal should make their opposition known to the sponsors as soon as possible, rather than seeking to succeed by surprise at the Meeting. Negotiations prior to Town Meeting are more likely than debate at Town Meeting to clarify the issues and to produce solutions that will receive the support of the Meeting as a whole.

The great diversity among the residents of the Town often will lead to differences with respect to the matter before the Meeting. The good faith of no one should be questioned; rather, there should be a cooperative effort to find solutions that are reasonably responsive to the needs of all.

The Meeting shall abide by the laws of the Commonwealth including the prohibitions of smoking and carrying firearms on school property.

The following guidelines are intended to inform and guide those who participate in the Meeting and, thus, to assist in its orderly conduct. These guidelines, except to the extent that they embody statutes and Town Bylaws, are not intended as rules having legal effect.

### **II. PARTICIPANTS IN THE MEETING**

- A. *Public Meeting*** - The Town Meeting is a public meeting and may be attended by all. Since only the Members may make motions and vote thereon, they are seated separately from non-members.
- B. *Quorum*** - A majority of the Town Meeting Members shall constitute a quorum for doing business; but a lesser number may adjourn the Meeting to another time.
- C. *Moderator*** - The Moderator shall preside at the Meeting and shall regulate the proceedings and decide all questions of order.

No one shall distribute any material at Town Meeting except with permission of the Moderator.

The Moderator may appoint persons to assist in the conduct of the Meeting, including determination of the vote of the Meeting.

If the Moderator is absent or cannot act, a Moderator Pro Tempore may be elected by the Meeting, the Town Clerk to preside at such election.

The Moderator shall not be an elected Town Meeting Member and shall not vote with respect to any matters before the Meeting. A Town Meeting Member may be a Moderator Pro Tempore, but shall not vote while presiding at the Meeting.

- D. Clerk** - The Town Clerk shall determine the presence of a quorum and shall maintain the records of the Meeting, including the results of all votes and other action taken at the Meeting. If there is no Town Clerk, or if the Town Clerk is absent from the Meeting, the Meeting shall elect another person (usually the Assistant Town Clerk) to act as temporary Clerk of the Meeting.

The Town Clerk shall not be an elected Town Meeting Member and shall not vote with respect to any matters before the Meeting. A Town Meeting Member may be Temporary Clerk, but shall not vote while acting as Clerk of the Meeting.

- E. Town Counsel** - Town Counsel shall be present at all Meetings and, upon request, shall advise the Moderator and any Member or other person present with respect to any pertinent question of law on which his or her opinion is requested. Such opinion is advisory only and not binding upon the Town, any person or the Meeting. If Town Counsel is unable to attend, the Selectmen shall designate another attorney as Acting Town Counsel to perform those duties at the Meeting.

Town Counsel shall not be an elected Town Meeting Member and shall not vote with respect to any matter before the Meeting. A Town Meeting Member may be Acting Counsel, but shall not vote while so acting.

- F. Tellers** - The Moderator shall appoint Town Meeting Members as Tellers for the purpose of counting the votes of the Meeting. Such appointments may, in the Moderator's discretion, be effective for more than one session of any Meeting. The Tellers shall report the results of their count of the section of the Meeting assigned to them, indicating the number in favor of the motion, the number opposed, and, if so instructed by the Moderator, the number abstaining and such shall be announced to the Meeting and maintained with the records of the Meeting. Tellers may vote on any question on which they act as Tellers, but any Teller who decides to participate in the debate of a question should request the Moderator to appoint another Teller to count the vote on that question.

### III. MOTIONS

- A. Need for Motion** - Action by the Meeting is taken solely by a vote of the Meeting on a motion duly made at the Meeting.
- B. Subject of Motions** - Except for such matters as resolutions recognizing individual achievements and the like, no motion shall be entertained by Town Meeting unless the subject thereof is contained within the Warrant. The Moderator shall determine whether a motion is "within the scope of the warrant," that is, whether the warrant gave adequate notice that the action proposed by the motion might be taken at the Meeting. Motions may propose action at variance with that desired by the sponsor of the article. Such motions may, for example, propose the establishment of a guideline, referral to an existing board or

committee or one to be established; but all such motions are proper only if “within the scope of the warrant” as determined by the Moderator.

- C. Order of Consideration** - All articles shall be considered in the order in which they appear in the warrant, unless the Moderator in his/her discretion or the Meeting by majority vote changes the order. Where there are a number of motions relating to a project calling for the expenditure of funds, the motion calling for the expenditure of the largest sum shall be the first put to vote, unless the Moderator in his/her discretion decides to change the order.
- D. Formal Requirements** - Motions can be made only by a Member of the Meeting. All motions other than procedural motions must be in writing signed by the sponsoring Member. No seconds are needed for any motion.

Sponsors of motions are required to submit their motions to the Selectmen by a date specified by the Selectmen. The motions must also be submitted to the Moderator and the Chair of the Advisory Committee. The exact form of any motion or amendment must either be distributed to Town Meeting Members or projected on a screen at Town Meeting before a vote thereon can be taken.

After the initial call to order of any Annual or Special Town Meeting, if a proponent informs the Moderator of an intention to present an amendment or substitute motion or resolution, notice of the action and the text must be made available to Town Meeting Members before action is taken on the article to which it relates.

- E. Notice to Moderator** - Every person who prior to the Meeting has decided to make a motion with respect to an article should inform the Moderator and the Chair of the Advisory Committee prior to the Meeting or, if the decision to make a motion is reached only during the Meeting, as early as convenient thereafter.
- F. Reconsideration** - Motions to reconsider any action shall be entertained only if in the view of the Moderator there is reason to suppose that Members may have changed their minds. The Moderator may rule that any motion is a motion for reconsideration if it is not substantially different from a motion previously voted upon.

No action taken at any session of a Town Meeting shall be reconsidered at any subsequent session, unless notice of intention to move for reconsideration shall have been given at the session at which such action was taken. If action taken at the final session is to be reconsidered, debate and a vote on a motion for reconsideration may occur at the same session only after all articles have been acted upon unless, in the Moderators discretion, debate and a vote on the motion at an earlier point in the session would expedite the conduct of the session. Any vote that requires more than a simple majority for passage shall require a 3/5ths vote in order to be reconsidered by Town Meeting.

#### **IV. DEBATE**

- A. Persons Authorized** - All residents of Wellesley, whether or not Town Meeting Members or registered voters, may address the Meeting. Non-residents may address the Meeting with the approval of the Moderator or a majority of the Meeting.

- B. *Permission of the Moderator*** - Persons wishing to address the Meeting shall raise their hands or stand and wait until they are recognized by the Moderator and no one shall address the Meeting without first requesting and receiving the permission of the Moderator.
- C. *Identification of Speaker*** - Each person addressing the Meeting shall begin by stating his or her name and precinct if a resident of Wellesley or place of residence if a non-resident.
- D. *Conduct*** - All remarks should be limited to the subject then under discussion. It is improper to indulge in references to personalities and all expressions of approval or disapproval, such as applause or booing, are out of order.  
The Moderator may request any person to keep silent. If, after a warning from the Moderator, a person refuses to be silent or persists in other disorderly behavior, the Moderator may order such person to withdraw and, if he or she fails to withdraw, may order a police officer to remove such person from the Meeting.
- E. *Personal or Financial Interest*** - Individuals who have a personal or financial interest with respect to a matter may speak or vote thereon but should frankly disclose their interest before speaking. However, no Town Meeting Member should accept compensation for speaking to or voting at the Meeting.
- F. *Time*** - There is no time limit to the debate of any question. Accordingly, motions to limit time for debate or to call the question are not in order. However, each individual who speaks to the Meeting should make an effort to be as brief as possible, out of consideration for the others attending the Meeting and the need to give adequate time to all matters coming before it. The Moderator may request that all persons who intend to speak for more than five minutes give him/her notice before the start of the session.
- G. *Repeated Speaking*** - In order to give all a fair opportunity to speak, no one who has addressed the Meeting on any particular motion shall speak again, except to answer questions, until all others wishing to speak to the motion have done so.
- H. *Maps*** - The Planning Board has slides of Town maps available for use at all Meetings and may be requested on reasonable notice to make available a slide of any map appropriate to the subject under discussion.

## **V. VOTING METHOD**

Except as specifically otherwise provided by law or these rules, voting shall be by voice votes or show of hands as the Moderator may determine and the Moderator shall declare the results of such vote. If a vote so declared is immediately questioned by seven or more Members, the result shall be determined by counting the votes of the Meeting by means of a standing vote.

## **VI. DEFINITIONS**

- A. *Roll Call*** - Upon motion supported by not less than sixty members and made prior to the taking of a standing vote, the vote shall be by a roll call of all Members, the Clerk to indicate on the record with respect to each Member, "Aye," "Nay," "Abstain," or "Not Present" as the case may be.
- B. *Secret Votes*** - There shall be no secret ballots or other secret votes at Town Meeting.

**C. Majorities** - Except as otherwise provided by law or the Town's Bylaw, all actions of the Meeting shall be taken upon vote of a simple majority of those present and voting.

**D. Ballot Vote**

- (a) Upon a motion supported by not less than 20 Members made prior to a vote on any question (whether required by law to be a counted vote or not), the vote shall be taken by ballot in such form as will in the opinion of the Moderator indicate how individual Town Meeting Members have voted on a question. The results of such vote shall be announced in terms of the numbers of aye, nay, or abstain votes cast. The Town Clerk shall, within a reasonable time after the session has been adjourned, compile a list of Members voting on the question, which list shall disclose how each Member voted. Said list, together with the original ballots, shall be open to public inspection so that the public shall be able to determine the way in which each Town Meeting Member voted on the question and shall be preserved for at least 3 years.
- (b) If a law or a bylaw requires a two-thirds vote for action by the Meeting, the Moderator is authorized to declare the vote without taking a count, subject to the roll call and ballot vote provisions noted above. If more than a two-thirds vote is required, the Moderator may first determine whether the vote is unanimous and, if it is not, the vote shall be counted either by means of a standing vote, by roll call or by ballot as provided in the Town's Bylaw.

**VII. ADJOURNMENT AND DISSOLUTION**

**A. Adjournment** - Sessions of the Town Meeting shall normally adjourn about 11 o'clock in the evening but may adjourn at such earlier or later time as the Town Meeting upon vote of a majority of its Members may determine.

**B. Dissolution** - The Meeting shall not dissolve until all articles in the warrant with respect to which any Member wishes to make a motion have been considered.

**VIII. RECORD OF MEETING**

The Town Clerk in consultation with the Moderator shall prepare and maintain a complete record of the Meeting at the office of the Town Clerk where, upon request, it may be inspected by any interested person and also shall deposit a copy of such record at the Main Library. Such record may, but need not be, verbatim. However, it shall as a minimum contain the text of all articles and motions, whether main motions or subsidiary motions, the name of the moving party, the action of the Meeting with respect thereto and such summary of statements made at the Meeting as will in the opinion of the Town Clerk contribute to a better understanding of the action of the Meeting.

**IX. REFERENCE TO TOWN MEETING RULES**

Wellesley Representative Town Meeting was established by Chapter 202 of the Acts of 1932 which has been amended several times since then. Certain customs have developed in the conduct of the Town Meeting. Wellesley custom does not differ substantially from the custom of other representative town meetings, as generally described in Town Meeting Time (Little, Brown, and Company 1962), a book that also contains references to applicable court decisions

and statutes. All custom may be changed by law, or the Bylaws of Wellesley, as from time to time amended.

It is the combination of the foregoing which produces the “rules” of Wellesley Town Meeting in conformity with which the Moderator regulates the conduct of the meeting.